

## **Murray Code Enforcement Board Minutes**

**November 4, 2014**

The Murray Code Enforcement Board met in regular session on November 4, 2014 at 5:00 p.m. in the Council Chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Chairman Danny Brittain, Mitzi Key, Sam Underwood, Mike Lovins, Kim Hampton and Mike Basiak.

**Others Present:** Captain T. Clere, Sgt. R. Starks, Sgt. K. Clere, Officer T. Fortner, Officer B. Shutt, Officer J. Cooper, Maressa Travis, Gerald Jackson, Wilda Miller, Lou Ann Birdsong, Michael Foster and general audience.

Chairman Danny Brittain called the meeting to order. New board members Kim Hampton, Mike Lovins and Mike Basiak were sworn in. Attendance roll call was then taken.

**Approval of September 2, 2014 Minutes:** A voice vote count was given and all were in approval.

**Public Hearing—Anna Hayes:** Chairman Danny Brittain called the public hearing to order. Maressa Travis indicated Officer Fortner had information regarding this case, which was heard at the last meeting. Officer Fortner requested the board reverse the findings from the August 7, 2014 as the property was in compliance at the time. **Mitzi Key made a motion to dismiss and Sam Underwood seconded the motion. It was carried by a 6-0 roll call vote.**

**Public Hearing—Gerald or Dana Jackson:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members answered no. Chairman asked the citing officer to come forward. Officer Cooper came forward and was sworn in. Officer Cooper stated on July 8, 2014, he was working city sticker detail at Briggs and Stratton parking lot and he issued a notice of violation to a 2002 Chevrolet, with Kentucky registration #9369CC. Officer Cooper stated the vehicle did not have a city sticker. The Respondent, Gerald Jackson, came forward and was sworn in. Mr. Jackson said he purchased a city sticker on June 2, 2014 but forgot to put the sticker on his license plate. Mr. Jackson said when Officer Fortner came to his place of business to serve a citation, he refused to sign and accept the citation. He also refused to pick up the certified copy of the citation from the post office. He requested the fine to be dismissed. Board members asked Mr. Jackson for clarification. Member Lovins questioned Mr. Jackson as to why his sticker wasn't on his vehicle. Mr. Jackson then said he just forgot to put it on the vehicle and asked the fine be dismissed. Officer Cooper was recalled and an additional question was answered. Sam Underwood made a motion to enforce the fine. **Mitzi Key seconded the motion. The Respondent shall pay a fine in the amount of \$100 within 30 days. The motion was carried by a 6-0 vote.**

**Public Hearing—Wilda Miller:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members answered no. Chairman asked the citing officer to come forward. Officer Shutt came forward and was sworn in. Officer Shutt stated that on June 30, 2014, while on city sticker detail at Murray

State University's Blue Lot at 16<sup>th</sup> and Olive, he came across a Buick Lacrosse, Kentucky registration #757MAL that had no city sticker. Respondent Wilda Miller came forward and was sworn in. Ms. Miller stated she purchased the city sticker in May but she couldn't swear that it was on her vehicle but she didn't receive the violation on June 30 and that was why she didn't respond to the violation. Officer Fortner came forward and stated that he served the citation on September 24, 2014 and that the city sticker was not on the vehicle at that time. The Board was asked if there were any more questions. **Mitzi Key made a motion to enforce the fine of \$100 and that it is to be paid within 30 days. Kim Hampton seconded the motion. The motion was carried by a 6-0 vote.**

**Public Hearing—Michael Foster:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members answered no. Chairman asked the citing officer to come forward. Captain Clere came forward and was sworn in. Captain Clere stated that on September 18, 2014, he pulled over Mr. Foster on a moving violation on Arcadia Street. While issuing the moving violation, he noticed Mr. Foster did not have a city sticker on his license plate and he issued a city sticker violation at that time. Mr. Foster came forward and was sworn in. Mr. Foster gave his address on 4<sup>th</sup> Street but indicated that he lives in the county and works in the city but he didn't have a city sticker. **Mike Lovins made a motion to enforce the fine as well as come into compliance within 30 days. A vote was taken that the motion was carried by a 6-0 vote.**

**Public Hearing—Lou Ann Birdsong:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members answered no. Chairman called the citing officer to come forward. Sgt. Starks came forward and was sworn in. Sgt. Starks stated that while on city sticker detail on August 13, 2014, he was at Briggs and Stratton and observed a 1991 Ford, Kentucky registration 2499CR, with no city sticker. He issued the violation at that time. Ms. Birdsong came forward and was sworn in. She acknowledged she received the violation and purchased the city sticker after the date indicated on the violation. Questions were asked by the board for clarification. **Sam Underwood made the motion to enforce the fine of \$100 to be paid within 30 days. Mike Basiak seconded the motion. The motion carried by a 6-0 vote.**

**Default Case—Dustin or Kristin Ellenberger:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members answered no. **A motion to enforce the fine of \$100 and to become compliant by purchasing a city sticker within 30 days was made by Mitzi Key. Mike Lovins seconded the motion and the motion was carried by a 6-0 vote.**

**Default Case—Timothy or Jaimie McPherson:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. **A motion was made by Mitzi Key that the \$100 fine be enforced and the Respondent is to become compliant within 30 days. The motion was seconded by Kim Hampton and was carried by a 6-0 vote.**

**Default Case—Joyce Lewis (POA for Pearl Turner):** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Officer Fortner came forward with information regarding the owner of the property and Joyce Lewis, power of attorney. Officer Fortner asked for an order to mow the property to bring into compliance. **Mike Lovins made a motion for an order to mow. The motion was seconded by Sam Underwood and carried by a 6-0 vote.**

**Default Case—Andrews Athletics:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the Board if they had any direct or indirect financial or personal interest in this matter. All Board members answered no. **Mitzi Key made a motion for Andrews Athletics to become compliant by buying a business license, paying the late fee and paying the fine within 30 days. Mike Lovins seconded the motion and a 6-0 vote was cast.**

**Default Case—Jerry T. Fox/The Shop:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. **Mike Lovins made a motion that the Respondent, Jerry T. Fox/The Shop pay the fine and late fee and purchase a business license within 30 days. Mitzi Key seconded the motion and a vote was taken. The motion carried with a 6-0 vote.**

**Default Case—James Hornbuckle:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. **Sam Underwood made the motion that the Respondent, James Hornbuckle, pay a fine in the amount of \$700 within 30 days. A vote was taken and the motion passed 6-0.**

**Default Case—Danyel Heckard:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members answered no. **Sam Underwood made a motion that the Respondent, Danyel Heckard, pay a fine of \$100 within 30 days, and become compliant by purchasing a city sticker and paying the late fee. A vote was taken and the motion passed with a 6-0 vote.**

**Default Case—Timothy or Kristen Birdsong:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members answered no. **Mike Lovins made a motion that the Respondent pays the fine of \$100 and come into compliance within 30 days. Mitzi Key seconded the motion. A vote was taken and the motion passed with a 6-0 vote.**

**Default Case—Timothy Edwards or Sarah West:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members said no. **Mitzi Key made a motion to enforce the \$100 fine and for the Respondent, Timothy Edwards or Sarah West, to become compliant. Sam Underwood seconded the motion. A vote was taken and the motion passed with a 6-0 vote.**

**Default Case—Jeffrey Redden:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members stated they had none. **Kim Hampton made a motion that the Respondent, Jeffrey Redden, pay a fine of \$100 and to become complaint within 30 days. A vote was taken and the motion passed with a 6-0 vote.**

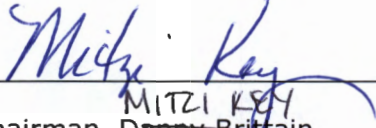
**Default Case—Kimberly or Don Bellah:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members stated they had none. **A motion was made by Kim Hampton that the Respondent, Kimberly**

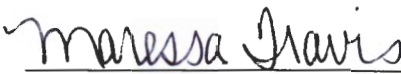
or Don Bellah, become compliant and pay the fine of \$100 within 30 days. Mitzi Key seconded the motion and the motion passed with a 6-0 vote.

**Default Case—Sebastian Driver or Patrick O'Bryan:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All Board members stated they none. **A motion was made by Mitzi Key that the Respondent pay the \$100 fine and become compliant within 30 days. Mike Lovins seconded the motion. A vote was taken and the motion carried with a 6-0 vote.**

**Default Case—James Hornbuckle, Sr.:** Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter and all Board members stated they had none. Officer Fortner came forward and stated that he witnessed sewage leaking into the storm drain. Officer Fortner presented photos indicating the sewage leakage. Because the damage had not been repaired in the specified time frame, a citation with a fine of \$3,500.00 was issued to Respondent, Mr. Hornbuckle. The Board asked questions of Officer Fortner and Officer Fortner presented additional information. **Mike Lovins made the motion to enforce the fine of \$3,500.00. Mike Basiak seconded the motion. The motion was passed with a vote of 6-0.**

Because there were no further questions or comments, Chairman Brittain made a motion for the meeting to be adjourned.

  
MITZI KEY  
Chairman, Danny Brittain

  
Recording Secretary, Maressa Travis